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PATENT
Patent App. Ser. No. 10/684,152
The Eclipse Group Docket No. HI09048USU (P03060US)**II. REMARKS****A. INTRODUCTION**

Claims 1-57 are pending in this present application. Claims 5, 9-11, 20, 24-26, 29-32, and 40-42 have been cancelled and claims 1-4, 6-8, 12-19, 21-23, 27-28, 33-39, and 43-57 are rejected. In the November 20, 2009, Final Office action, the Examiner:

1. Rejected claims 1-3, 6-8, 12-19, 21-23, 27-28, 33-36, 39, 43-46, 49, 52, and 55 under 35 U.S.C. § 103(a) as being unpatentable over *Rabinowitz et al.* (US Patent Pub. 2003/0179891) in view of *Tagami et al.* (U.S. Patent No. 5,745,586); and
2. Rejected claims 4, 37-38, 47-48, 50-51, 53-54, and 56-57 under 35 U.S.C. § 103(a) as being unpatentable over *Rabinowitz et al.* (US Patent Pub. 2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586) in further in view of official notice.

Applicants have not amended any of the claims and are traversing the rejections. No new matter has been introduced by these amendments.

B. REJECTIONS**1. REJECTION OF CLAIMS 1-3, 6-8, 12-19, 21-23, 27-28, 33-36, 39, 43-46, 49, 52, and 55 UNDER 35 U.S.C. § 103(a)**

Claims 1-3, 6-8, 12-19, 21-23, 27-28, 33-36, 39, 43-46, 49, 52, and 55 under 35 U.S.C. § 103(a) as being unpatentable over *Rabinowitz et al.* (US Patent Pub. 2003/0179891) in view of *Tagami et al.* (U.S. Patent No. 5,745,586). The Examiner cites to paragraph 0031 of the *Rabinowitz et al.* publication to show "determining a plurality of potential correction factors" of claim 1 (see pg. 3, Final Office Action). The potential correction factors are then used to modify the transfer functions and result in predicted transfer functions. Paragraph 0031 of the *Rabinowitz et al.* publication actually states:

While an equalization pattern may be calculated based on data from a single location, acquiring data from more than one location generally gives a better result. At step 52, the measurements and tests of step 48 may then be repeated for the second location, preferably for each loudspeaker unit. ... Steps 50, 52, and (if necessary) step 53 may then be repeated for more locations. If

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desired, a fixed number (such as five) of locations or a minimum number (such as four) of locations or a maximum number (for example eight) of locations may be specified. If measurements have not been taken at the minimum number of locations, the user may be instructed to move to another location. If measurements have been taken at the maximum number of locations (or if measurements have been taken at the minimum number and the user indicates that measurements have been taken at all desired locations), the process proceeds to step 54. At step 54, the data signals for all the positions may be combined by the acoustic measuring circuitry 19 (by some method such as energy averaging) and an equalization pattern developed from the data signals. At step 55, an equalization pattern is calculated. At step 56, the equalization pattern may be compared with the loudspeaker unit characteristics stored in memory 20 to ascertain that no limits (such as dB of correction) are exceeded, and the equalization pattern may be modified so that the limits are not exceeded. At step 58, the filters appropriate to achieve the equalization pattern are calculated and representative signals stored for use by audio signal processing circuitry 12. As stated previously, the filters may be stored in terms of filter coefficients or filter singularities.

What is described in the above paragraph is determining actual transfer functions that are recorded as opposed to predicted transfer functions. In particular, the *Rabinowitz et al.* publication describes blocks 48 and 52 of FIG. 4 as modifying recorded (not predicted) transfer functions. Further, claim 1 requires "the predicted transfer functions representing simulations for the potential correction factors." There are no simulations taught or described in the *Rabinowitz et al.* publication that are modified or otherwise created. Similarly, the *Tagami et al.* patent fails to teach or describe these elements.

Further, independent claims 12, 17 and 27 are in condition for allowance for the same reasons claim 1 is in condition for allowance and all the claims that depend from the these independent claims are also in condition for allowance. Therefore, Applicants submit that claims 1-3, 6-8, 12-19, 21-23, 27-28, 33-36, 39, 43-46, 49, 52, and 55 are in condition for allowance.

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2. REJECTION OF CLAIMS 4, 37-38, 47-48, 50-51, 53-54, and 56-57 UNDER 35 U.S.C. § 103(a)

The Examiner rejected claims 4, 37-38, 47-48, 50-51, 53-54, and 56-57 under 35 U.S.C. § 103(a) as being unpatentable over *Rabinowitz et al.* (US Patent Pub. 2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586) in further in view of official notice.

Independent claims 1, 12, 17, and 27 are in condition for allowance and dependent claims 4, 37-38, 47-48, 50-51, 53-54, and 56-57 that depend from the allowable independent claims are also in condition for allowance.

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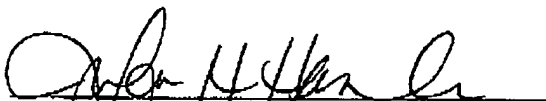
III. CONCLUSION

Favorable consideration is respectfully requested in view of the foregoing amendments and remarks.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542. A copy of this sheet is enclosed.

Respectfully submitted,

Dated: 11/8/10



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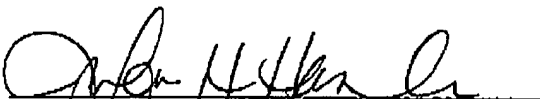
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